

REMARKS**Status of the Claims**

Upon entry of the amendment above, claims 1-13 and 15-29 will be pending, claims 1, 25, and 28 being independent.

Summary of the Office Action

The documents cited in Applicant's previously filed information disclosure statement are considered by the Examiner, as indicated by the Examiner-initialled PTO-1449 form included with the Office action.

Applicant's claim of priority and receipt of the certified copy of the priority application are acknowledged by the Examiner.

Claims 9 and 13 are rejected under 35 USC 112, second paragraph, as being indefinite.

Claims 1-9 are rejected under 35 USC 102(b) as being anticipated by BUMGARNER (U.S. Patent No. 5,758,895).

Claims 1-15 are rejected under 35 USC 102(e) as being anticipated by REUSS (U.S. Patent No. 6,250,651).

Claims 16 and 17 are rejected under 35 USC 103(a) as being unpatentable over REUSS.

Response to the Office Action**A. Miscellaneous**

Initially, Applicant expresses his appreciation for the Examiner's consideration of the information disclosure statement and his acknowledgement of Applicant's priority claim and receipt of the certified copy thereof.

Applicant has reviewed the Office action and has introduced amendments above which are believed to advance the instant application toward allowance. The Examiner's consideration of the amendment and the following remarks are kindly requested.

B. Withdrawal of Rejection Under 35 USC 112, Second Paragraph

In the amendment above, Applicant has amended claim 1 for the purpose, *inter alia*, to provide proper antecedent basis for the expression "said fasteners" in dependent claim 9.

Accordingly, reconsideration and withdrawal of the rejection is requested.

C. Brief Summary of the Amendment and New Claims

In the amendment above, Applicant has incorporated the subject matter of former claim 14 (cancelled above) into parent claim 1. With the cancellation of claim 14, claim 15 has been amended to depend from claim 1 instead of claim 14.

Claims 2-4 are amended for consistency with newly amended claim 1.

In addition, new claims 18-29 have been added.

Claim 18 depends from claim 2 and adds that the first and second fasteners constitute first and second journal connections, whereby the one linkage of the at least one linkage is pivotal about the first and second journal connections to the position extending substantially along a plane parallel to the plane of the base.

Claim 19 further describes the first fastener as extending "from said first band to said first flange" and the second fastener as extending "from said second band to said second flange" or, in other words, the first and second bands are directly connected to the flanges.

Independent claim 25 is directed to the binding according to the invention and includes subject matter directed to the shape of the abutment. More particularly, claim 25 and dependent claims 26 and 27 include subject matter relating to the embodiment that encompasses the abutment shown in Fig. 7, for example, whereby the free end of the abutment has a laterally tapered shape and a pair of lateral teeth.

Claim 26 adds the feature whereby the first band further has a longitudinal slot open at the free end, the longitudinal slot extending between the pair of lateral teeth. Note, *e.g.*, the slot 75 in Fig. 7 as being encompassed by claim 26.

Claim 27 further specifies a longitudinal slot (such as slot 77) positioned between the fastening end of the first band and the abutment.

Independent claim 28 is directed to the binding according to the invention and includes subject matter directed to the alternate shape of the abutment. More particularly, claim 23 and dependent claim 29 include subject matter relating to the embodiment that encompasses the abutment shown in Fig. 6, for example, whereby the abutment has a wedge shape.

Certain ones of the paragraphs of the detailed description have been revised for cosmetic reasons, *i.e.*, for consistency with the wording used in the claims.

Claims 20-24 depend, directly or indirectly, from parent claim 2. Claims 20-22 include subject matter related to that of claims 25-27 (*i.e.*, the shape of the abutment having a longitudinally tapered shape and lateral teeth shown, *e.g.*, in Fig. 7), and claims 23 and 24 include subject matter related to that of claims 28 and 29 (*i.e.*, the shape of the abutment having a wedge shape shown, *e.g.*, in Fig. 6).

Lastly, regarding the subject matter of claim 14, which has been added to claim 1, Applicant directs the Examiner's attention a slightly varied wording, although such variation is intended to improve the meaning thereof. Specifically, as originally presented, claim 14 included the language that the linkage is pivotal about a journal to a "position substantially contained in a plane parallel to said plane of said base plate."

First, upon review Applicant noted that there was no proper antecedent for "said journals" and that "base plate" should have read "base" for consistency with parent claim 1. Therefore, in the amendment of claim 1, the term "journal" has been avoided and "base plate"

has been changed to "base." The connections are referred to as "fasteners." The term "journals" appears in dependent claim 9 and the expression "journal connections" appears in dependent claim 18.

Second, because a "plane" is theoretical and has no thickness, Applicant submit that it would be better to refer to the linkage as "extending substantially along a plane parallel to said of said base" (now appearing in claim 1), rather than to refer to the linkage as being "substantially contained in a plane"

D. Withdrawal of Rejections Under 35 USC 102, 103

Applicant kindly requests that the Examiner reconsider and withdraw the rejections under 35 USC 102 and 103 of the claims now pending.

First, because the subject matter of former claim 14 has been incorporated into parent claim 1 in the amendment above, Applicant submits that the rejection based upon BUMGARNER should be withdrawn, inasmuch as claim 14 had not been rejected over BUMGARNER.

BUMGARNER discloses a snowboard binding having a quick attachment and release feature. This feature relies upon a bar 8 (shown in Fig. 1 in particular) that allows the rider to couple the adjustable straps 4, 6 to the flanges of the base plate without necessitating disconnecting of the adjustable straps. In this arrangement, therefore, the straps 4, 6 are not directly connected to the flange of the base plate 2. In addition to the fact that claim 1 includes the subject matter of former claim 14 and, therefore, the rejection of claim 1 over BUMGARNER is believed to be overcome, Applicant's claims 19 and 25-29 include the limitation that the fasteners directly connect the straps (*i.e.*, the bands of the straps) to the flanges.

Applicant additionally requests that the rejections based upon REUSS be reconsidered and withdrawn. By way of the amendment above, independent 1 includes the limitation "at least one linkage of said at least one linkage is movable relative to said first and second lateral flanges to a position extending substantially along a plane parallel to said plane of said base."

By contrast with the language of claim 1, the strap of REUSS is never contained in, nor does it extend along a plane parallel to the base. At column 6, lines 38-41, REUSS explains that the linkage 20 is held above the horizontal plane of the base plate when rotated to the fo hold

the toe strap approximately 10° above the horizontal plane of the base plate (see column 6, lines 46-49). This means that the linkage is not in a plane parallel to the plane of the base plate, as it is in Applicant's invention.

At least in view of this difference, Applicant requests that the rejection based upon REUSS be withdrawn. Further, Applicant submits that it would not have been obvious to have modified REUSS because such modification would be contrary to the objective of REUSS in having the linkage positioned as described.

New claims 20-29 are directed to a binding according to the invention and, further, include limitations directed to the particular shapes of the abutments, including the shapes shown, *e.g.*, in Figs. 6 and 7, as mentioned above. In addition, in claims 25-29, the linkage/bands are directly connected to the flanges of the binding, contrary to BUMGARNER.

In REUSS it may be desirable to separate the ratchet strap 26 from the engagement strap 22 (see column 4, lines 40-42). That is why REUSS uses a fastener 40, such as a screw, and an access hole 54 (see column 3, lines 45-47, and column 4, lines 42-45). REUSS wishes to facilitate strap separation (see column 4, lines 44-45). By contrast, the specific shapes of the abutments according to Applicant's invention are provided to render difficult an easy separation.

SUMMARY AND CONCLUSION

The grounds of rejection advanced in the Office action have been addressed and are believed to be overcome. Reconsideration and allowance are respectfully requested in view of the amendment and remarks above.

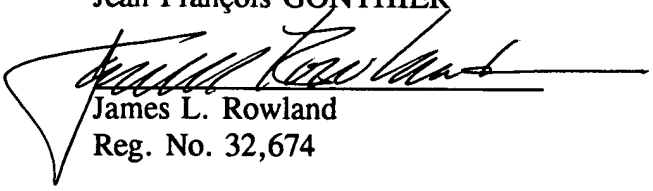
Any amendments to the claims presented above, which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach to such amendments.

A check is enclosed for payment of a claim fee. No additional fee is believed to be due at this time. However, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and complete to Deposit Account No. 19-0089.

Further, although no extension of time is believed to be necessary at this time, if it were to be found that an extension of time were necessary to render this reply timely and/or complete, Applicant requests an extension of time under 37 CFR 1.136(a) in the necessary increment(s) of month(s) to render this reply timely and/or complete and the Commissioner is authorized to charge any necessary extension of time fee under 37 CFR 1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone or fax number given below.

Respectfully submitted,
Jean-François GONTHIER



James L. Rowland
Reg. No. 32,674

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GREENBLUM & BERNSTEIN, P.L.C.
1941 Roland Clarke Place
Reston, VA 20191
703-716-1191 (telephone)
703-716-1180 (fax)

MARKED-UP VERSION OF AMENDMENTS**In the Specification**

-- (Amended) [0022] In a known manner, the binding 1 includes a base 4 on which a first lateral flange 5 and a second lateral flange 6 are attached, the flanges 5, 6 being transversely spaced apart and connected by an [a] arch 7. --

-- (Amended) [0034] The first band 15 extends between a fastening end 22 and a free end 23. An opening 24, provided in the fastening end 22, enables the passage of a fastening means or fastener, such as a rivet or other journal connection, to provide the journal member at axis 18. --

-- (Amended) [0035] By analogy, the second band 16 extends between a fastening end 25 and a free end 26. An opening 27, provided in the fastening end 25, enables the passage of a fastening means or fastener, such as a rivet or other journal connection, to provide the journal member at axis 19. --

-- (Amended) [0051] Each of the linkages 13, 14 is lengthened by a manual action from the user, so as to leave a space between the boot and the linkage. When each space is large enough, the boot can be removed from the binding. Given that the straps of the linkages are journalled on the flanges 5, 6 of the binding 1, it is possible to tilt the linkages 13, 14 toward the front of the binding. In the case of the front linkage 13, the tilting is done rotationally along the axes 18, 19. After tilting, the linkages are positioned to extend [contained] substantially along [in] a plane parallel to the base 4.

-- (Amended) [0059] The abutment 60 projects with respect to an outer [a] surface 63 of the band, the outer surface 63 facing away from the base of the binding and the boot, whereas the opposite, inner, surface faces toward the boot, i.e., toward the base of the binding. The abutment 60 is shown in the form of a wedge whose surface 64, substantially perpendicular to the surface 63, is turned toward the rack 65 of the band 61 and facing longitudinally of the band toward the tightening device. The surface 64 takes support on the pawl to avoid an opening of the linkage, because the surface 64 is higher than the teeth of the rack 65. --

-- (Amended) [0062] The abutment 70 is shaped like an arrow head, i.e., it has a longitudinally tapered shape, narrowing to the free end of the band 71, the shape including [which] includes two lateral teeth 73, 74 separated at least partially by a slot 75, which is open at the free end of the band.

In the Claims

1. (Amended) A binding to retain a boot on a gliding or rolling apparatus, said binding comprising:

a base for supporting the boot, said base plate including a surface extending along a plane;

a first lateral flange, a second lateral flange transversely spaced from said first lateral flange, said first and second lateral flanges extending upwardly relative to said surface of said base; [and at least one linkage connecting said first flange to said second flange;]

at least one linkage connecting said first flange to said second flange, said linkage including a first band extending from one fastening end to a free end, a first fastener attaching said fastening end of said first band [being attached] to said first flange, said linkage further including a tightening device attached to said second flange, said tightening device facilitating an adjustment of a length of said linkage by removably retaining a portion of said first band;

an abutment being fixed to said first band toward said free end of said first band, so as to be located on an opposite side of the tightening device with respect to said fastening end of said first band, thus preventing a separation of said first band and said tightening device;

at least one linkage of said at least one linkage is movable relative to said first and second lateral flanges to a position extending substantially along a plane parallel to said plane of said base.

2. (Amended) A binding according to claim 1, further comprising a second fastener, wherein said linkage includes a second band, said second fastener attaching said second band [attached] to said second lateral flange, said tightening device being fixed to said second band.

3. (Amended) A binding according to claim 1, wherein [further including a base,] said flanges are [being] attached to said base.

4. (Amended) A binding according to claim 2, wherein [further including a base,] said flanges are [being] attached to said base.

9. (Amended) A binding according to claim 2 [1], wherein said first and second fasteners of each linkage are journals.

15. (Amended) A binding according to claim 1 [14], further comprising a rear arch for supporting a rear of the boot, said rear arch connecting said first and second lateral flanges, wherein a length of each of said at least one linkage is constructed and arranged so that, when said each of said at least one linkage is forwardly positioned, each of said at least one linkage extends around a front of the boot when the boot is supported on said base plate and in contact with said rear arch.